IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1500 of 2005

Between:

Monsanto India Limited a Company incorporated under the- Indian companies Act 1913, having its registered office at-
Andheri East, Mumbai-400093 rep. by its Company Secretary- Mr. Ajai Jain, S/o. Mr. N.K. jain, aged 40, R/o. D.6,
Tiger Apartments, Rifle Range Ghatkopar West, Mumbai-400086.

..... PETITIONER

AND

1 The State of A.P., rep. by the Secretary, Agriculture & Co-Op (Mktg.II), Department, Secretariat, Hyderabad.
2 The Commissiner and Director of Marketing, Government of A.P., BRKR Bhavan, Hyderabad-500029.
3 the Section Grade Secretary, A.P. Market Committee, Kishangunj, (Near Putilibowli,), Hyderabad.
4 The Secretary, Agricultural Market Committee, Medchal Mandal, R.R.District.
5 The Secretary, Agricultural Market Committee, Narshinghi, R.R.District.
6 The Secretary, Agricultural Market Committee, Siddipet, Gajwal, Medak District.
7 The Secretary, Agricultural Market Committee, Medak, Medak District.
8 The Secretary, Agricultural Market Committee, Narsapur, Medak District.
9 The Secretary, Agricultural Market Committee, Mukhtal Mahaboobnagar District.
10 The Secretary, Agricultural Market Committee, alampoor, HQrs, at Raichur Cross Road,
Mahaboobnagar District.
11 The Secretary, Agricultural Market Committee, Achampet, Mahaboobnagar District.
12 The Secretary, Agricultural Market Committee, Gadwal, Mahaboobnagar District.
13 The Secretary, Agricultural Market Committee, Mahaboobnagar, Mahaboobnagar Dist.
14 The Secretary, Agricultural Market Committee, Shantinagar, Mahaboobnagar Dist.
15 The Secretary, Agricultural Market Committee, Shadnagar, Mahaboobnagar dist.
16 The Secretary, Agricultural Market Committee, Adilabad, Adilabad District.
17 The Secretary, Agricultural Market Committee, Adilabad, Adilabad District.
18 The Secretary, Agricultural Market Committee, Bhainsa, Adilabad District.
19 The Secretary, Agricultural Market Committee, Armoor, Nizamabad District.

20 The Secretary, Agricultural Market Committee, NIZAMABAD, NIZAMABAD DISTRICT.
21 The Secretary, Agricultural Market Committee, Armoor, Kishan Nagar, Nizamabad District.
22 The Secretary, Agricultural Market Committee, Nizamabad, Dichpalli (National High Way No.7),
Nizamabad District.
23 The Secretary, Agricultural Market Committee, Bodhan, Satapur, Nizamabad district.
24 The Secretary, Agricultural Market Committee, Nirmal, Nizamabad District.
25 The Secretary, Agricultural Market Committee, Bodhan, Nizamabad District.
26 The Secretary, Agricultural Market Committee, Krishana Gunj, Nizamabad District.
27 The Secretary, Agricultural Market Committee, Suryapet, Nalgonda District.
28 The Secretary, Agricultural Market Committee, Aleru, Nalgonda District.
29 The Secretary, Agricultural Market Committee, Kodhada, nalgonda District.
30 The Secretary, Agricultural Market Committee, Chintakunta, Karimanagar District.
31 The Secretary, Agricultural Market Committee, Huzurabad, karimagar District.
32 The Secretary, Agricultural Market Committee, Karimnagar, Karimnagar District.
33 The Secretary, Agricultural Market Committee, Metpally, Karimnagar District.
34 The Secretary, Agricultural Market Committee, Jangaon, Warangal District.
35 The Secretary, Agricultural Market Committee, Badvel-516227, Kadapa District.
36 The Secretary, Agricultural Market Committee, Poormaimilla, Kadapa District.
37 The Secretary, Agricultural Market Committee, Mydhukur, Kadapa District.
38 The Secretary, Agricultural Market Committee, Adhoni, Kurnool District.
39 The Secretary, Agricultural Market Committee, Allagadda, Kurnool District.
40 The Secretary, Agricultural Market Committee, Aloor, Kurnool District.
41 The Secretary, Agricultural Market Committee, Koyalakuntla, Kurnool District.
42 The Secretary, Agricultural Market Committee, Kurnool, Kurnool District.
43 The Secretary, Agricultural Market Committee, Nandikotkur, Kurnool District.
44 The Secretary, Agricultural Market Committee, Mantralayam, Kurnool District.
45 The Secretary, Agricultural Market Committee, allagadda, Chagalamarri, Kurnool District.
46 The Secretary, Agricultural Market Committee, nandyal, Kurnool District.
47 The Secretary, Agricultural Market Committee, Uravakonda, Ananthapur District.
48 The Secretary, Agricultural Market Committee, Guthi, Ananthapur District.
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50 The Secretary, Agricultural Market Committee, Hindhupur, Ananthapur district.
51 The Secretary, Agricultural Market Committee, Penukonda, Ananthapur District.
52 The Secretary, Agricultural Market Committee, Eluru, West Godavari District.
53 The Secretary, Agricultural Market Committee, Rajahmundry, East Godavari District.
54 The Secretary, Agricultural Market Committee, Bhimadolu, West Godavari District.
55 The Secretary, Agricultural Market Committee, Chintalapudi, West Godavari District.
56 The Secretary, Agricultural Market Committee, Gannavaram, Krishna District.
57 The Secretary, Agricultural Market Committee, Nuziveedu, Krishna District.
58 The Secretary, Agricultural Market Committee, Vijayawada, Krishna District.
59 The Secretary, Agricultural Market Committee, Narsaraopet, guntur District.
60 The Secretary, Agricultural Market Committee, Dachepalli, guntur District.
61 The Secretary, Agricultural Market Committee, giddaluru, Prakasham District.
62 The Secretary, Agricultural Market Committee, Markapurm, Prakasam District.
63 The Secretary, Agricultural Market Committee, Yerragondalapalem, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, more particularly in the nature of writ of Mandamus or any other appropriate writ order

or direction as this Hon'ble Court may deem fit and proper, declaring; a) that the Hybrid Seeds produced by the petitioner are not agricultural produce within the meaning of section 2(i) of the Andhra Pradesh (Agricultural Produce and livestock) Market Act 1966 or in any event not a notified agricultural produce within the meaning of section 2(x) of the said Act; and consequently. b) Direct the various agricultural Market Committees functioning under the control of respondents No.2 herein, namely respondents 3 to 63 herein, not to levy or collect market fee or any other fee under the afore said Act from the petitioner hence forth and refund the market fee illegally collected from the petitioner till date. c) Also pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of thecase.

Counsel for the Petitioner:MR.M.S.SRINIVASA IYENGAR

Counsel for the Respondent Nos.1&2: GP FOR AGRICULTURE

Counsel for the Respondent Nos.13 to 63:MR.V.V.N.NARAYANA, S.C. FOR

AGRICULTURE MARKETING COMMITTEE.

The Court made the following :

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.1500 of 2005

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ORDER:

This writ petition is covered by the judgment, dated 08.02.2005, passed by this Court in W.P.No.13527 of 2004 & batch. Following the same, the writ petition is ordered, directing that,

a. Seeds developed and manufactured by the petitioner, and sold as certified or labeled seeds, are not subject to levy of market fee, and the demand notice, if any, issued therefor is set aside.

b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, and are not subject to levy of market fee.

c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps.

There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.18-02-2005

KO

To

1 The Secretary, Agriculture & Co-Op (Mktg.II),
Department, Govt. of A.P., Secretariat, Hyderabad.
2 The Commissiner and Director of Marketing, Government of A.P.,

BRKR Bhavan, Hyderabad-500029.
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64 Two C.Cs. to Govt.Pleader for Agriculture & Cooperation,

High Court buildings, Hyderabad (OUT)

65 Two C.D. copies.